FCC 395

# FEDERAL COMMUNICATIONS COMMISSION Washington, DC 20554

Approved by OMB 3060-0076 Est. time per response: 1 hour

COMMON CARRIER ANNUAL EMPLOYMENT REPORT [Please read instructions before completing and for Notice regarding public burden.]

SECTION 1 - General Information															
1. Name and Mailing Address of Respondent RCN Telecom Services, Lehigh LLC.	s, Lehi	" gh LLC.										-	Check	Check here if this is a change of	
PA Market - Lehigh 2124 Ave. C. Bethlehem, PA 18017	m, PA	18017											address.	sss.	
2. Year Report Filed 2019		3. Reporting Per Period Covers 3/22/19	Reporting Period (Ending Date of Pay Period Covered by Report) $3/22/19$	ng Date of Pay oort)		-	4. Number of Reporting I a. Few b. 7 16 c	Number of Full-Time Employees during Selected Reporting Period (check one): a. [ Fewer than 16 (complete Sections I, IV, and V only) b. [7] 16 or more (complete all sections)	ployees durir one): omplete Sectl	ng Selected ons I, IV, and ons)	V only)				
SECTION II - Full-Time Employees.	ŝ.														
						(	Numk Report emplo	Number of Employees (Report employees in only one category)	rees ine category)						
<u>.</u>							Œ.	Race/Ethnicity							
Job Categories		Hispanic or						Not-Hispanic or Latino	c or Latino						Total
1		Latino			Male	e e					Female	e			Columns A - N
	Male	Female	White	Black or African American	Native Hawaiian or Other Pacific	Asian	American Indian or Alaska Native	Two or more races	White	Black or African American	Native Hawaiian or Other Pacific	Asian	American Indian or Alaska Native	Two or more races	<u>, , , , , , , , , , , , , , , , , , , </u>
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Executive/Senior Level Officials and Managers				1											
First/Mid-Level Officials and 1.2	4		23	5		2			11	-					46
Professionals 2	-	-	14	Ţ					3	2				-	23
Technicians 3			31	1		1			7	yout					41
Sales Workers 4	6		23	3					5	2				П	44
Administrative Support Workers	5 3	3	5	4					30	4		1		7	52
kers	6 7	1	46	3											58
Operatives 7															0
Laborers and Helpers	8														0
Service Workers	6														0
TOTAL 10	24	8	142	18	0	8	0	2	95	10	0	1	0	4	265
PREVIOUS YEAR TOTAL 11	24	5	147	21	0	3	0	33	55	10	0	0	0	4	272
														Revised Dec	FCC 395 Revised December 2007

Female	ECTION III - Part-Time Employees.	si.						Num Report emplo	Number of Employees (Report employees)	rees ine category)						
Hispanic or Latino     1.1								<b>-</b>	Race/Ethnicity							
Latino   Latino	Job	Hisp	anic of						Not-Hispani	c or Latino						Total
1.1	Opino Diagonal	La	ouj			Ma	ile					Fem	iale			Columns A - N
1.1   B C   C		Male	Female	White	Black or African American	Native Hawailan or Other Pacific	Asian	American Indian or Alaska Native	Two or more races	White	Black or African American	Native Hawaiian or Other Pacific	Asian	American Indian or Alaska Native	Two or more races	
and 1.2  2  4  4  4  6  6  OTAL 11 0 0 0 1  ODAL 11 0 0 0 1  of Discrimination Complaints Pursuant to 47 CFR advise the Commission that no complaints regarding before any body having competent jurisdiction in such advise the Commission that the following complaints regarding before any body having competent jurisdiction in such advise the Commission that the following complaints fist indicating parties involved, date filed, courts or again atton  Typed or Printed Name of Person Signing  Kenneth Conrad  Besources		4	æ	O	۵	E E	L	g	I	-	٦	×	7	M	Z	0
S   S   S   S   S   S   S   S   S   S						·										0
2   2   2   2   3   4   4   5   5   5   5   5   5   5   5	and															0
5  6  7  OTAL 11 0 0 0 2  OTAL 11 0 0 1  of Discrimination Complaints Pursuant to 47 CFR advise the Commission that no complaints regarding y- before any body having competent jurisdiction in such advise the Commission that the following complaints regarding advise the Commission that the following complaints of list indicating parties involved, date filed, courts or again  Typed or Printed Name of Person Signing    Typed or Printed Name of Person Signing     Typed or Printed Name of Person Signing																
6  6  7  7  OTAL 11 0 0 0 2  OTAL 11 0 0 1  of Discrimination Complaints Pursuant to 47 CFR advise the Commission that no complaints regarding yeadvise the Commission that the following complaints advise the Commission that the following complaints advise the Commission that the following complaints advise the Commission that the following complaints a list indicating parties involved, date filed, courts or against of my knowledge, information, and belief, all statement of or my knowledge, information, and belief, all statement of or my knowledge, information, and belief, all statement of or my knowledge, information, and belief, all statement of or my knowledge, information, and belief, all statement of or my knowledge.				2												4
oral 10 0 0 2.  OTAL 11 0 0 0 2.  original properties of the complaints regarding before any body having competent jurisdiction in such advise the Commission that the following complaints regarding before any body having competent jurisdiction in such advise the Commission that the following complaints of ist indicating parties involved, date filed, courts or again atton.  Typed or Printed Name of Person Signing  Kenneth Conrad  Resources					-											o   ,
Helpers 8  To 0 0 2  YEAR TOTAL 11 0 0 0 1  Sompany before any body having competent jurisdiction in such this is to advise the Commission that no complaints regarding yompany before any body having competent jurisdiction in such this is to advise the Commission that the following complaints of Attach a list indicating parties information, and belief, all stateme of the best of my knowledge, information, and belief, all stateme of the best of my knowledge, information, and belief, all stateme of the best of my knowledge, information, and belief, all stateme of the best of my knowledge, information, and belief, all stateme of the best of my knowledge, information, and belief, all stateme of the best of my knowledge, information, and belief, all stateme of the best of my knowledge, information, and belief, all stateme of the best of my knowledge, information, and belief, all stateme of the best of my knowledge, information, and belief, all stateme of the best of my knowledge, information, and belief, all stateme of the best of my knowledge, information, and belief, all stateme of the best of my knowledge, information, and belief, all stateme of the best of my knowledge, information, and belief, all stateme of the best of my knowledge, information, and belief, all stateme of the best of my knowledge, information, and belief, all stateme of the best of my knowledge, information, and belief, all stateme of the best of my knowledge, information, and belief, all stateme of the best of my knowledge, information, and belief.										-						-   (
nd Helpers 8  10  10  10  10  10  10  10  10  10  1																0
Service Workers   9   1   0   0   0   0   0   0   0   0   0																0
TOTAL 10 0 0 0 2 0 0 0 0 0 0 0 0 0 0 0 0 0 0																0
PREVIOUS YEAR TOTAL 11 0 0 0 1 0 0 0 0 0 0 0 0 0 0 0 0 0 0												·				0
PREVIOUS YEAR TOTAL 11 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0			0	2.	0	0	0	0	0	1	0	0	0	0	0	3
This is to advise the Commission that no complaints Pursuant to 47 CFR 22.321, 23.55, 90.168, 101.4, and 101.311.  This is to advise the Commission that no complaints regarding violations of the equal employment provisions of Federal, state, territorial, or local statutes have been filed against this company before any body having complaints alleging violations of the provisions of any equal employment opportunity statute have been filed against this company.  This is to advise the Commission that the following complaints alleging violations of the provisions of any equal employment opportunity statute have been filed against this company.  SECTION V - Certification  This is to advise the Commission that the following complaints alleging violations of the provisions of any equal employment opportunity statute have been filed against this company.  SECTION V - Certification  Telephone No.  Date  OS/31/2019  Kenneth Conrad  WILLFULLY FALSE STATTEMENTS MADE ON THIS FORM ARE PINISHABLE BY FINE—AND/OR IMPRISONMENT (18 U.S.C. 1001) AND/OR FORFEITURE (47 U.S.C. 503).  Vice Drecident Human Resources	OUS YEAR TOTAL		0	1	0	0	0	0	0	1	0	0	0	0	0	2
This is to advise the Commission that no complaints regarding violations of the equal employment provisions of Federal, state, territorial, or local statutes have been filed against this company before any body having competent jurisdiction in such matters during the calendar year covered by this report.  This is to advise the Commission that the following complaints alleging violations of the provisions of any equal employment opportunity statute have been filed against this company.  SECTION V Certification  I certify that to the best of my knowledge, information, and belief, all statements in this report are true and correct.  Date    Typed or Printed Name of Person Signing   Title of Person Signing   WILLFULLY FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE AND/OR RIPPRISONN/ENT (18 U.S.C. 1001) AND/OR RIPPRISONN/ENT (47 U.S.C. 503).  Vice Dresident Human Resources	SECTION IV . Report of Discrim	Ination Com	plaints Purs	uant to 47 CF	R 22.321, 23.	55, 90.168, 1	01.4, and 10'	1.311.								
SECTION V - Certification    certify that to the best of my knowledge, information, and belief, all statements in this report are true and correct.    certify that to the best of my knowledge, information, and belief, all statements in this report are true and correct.    Title or Person Signing   Title or Person Signing   Title or Person Signing   Title or Person Signing   WILLFULLY FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE AND/OR FORFEITURE (47 U.S.C. 503).	This is to advise the company before any This is to advise the Company before any Charles is to advise the Company and Company Company I was a company to the Company	Commission body having Commission ng parties Inv	that no compl competent ju that the follow olved, date fill	aints regardin risdiction in su ring complaint ed, courts or a	g violations of ich matters du is alleging viol agencies befo	f the equal emring the calentations of the fations of the free which the m	ployment prodar year cow roar year cow provisions of a	visions of Ferered by this reamy equal emi	deral, state, te sport. ployment oppo number or oth	rritorial, or loc ortunity statut er designatio	ral statutes ha e have been f n, and curren	we been filed iled against th t status or disp	against this is company.			
Telephone No.   Telephone No	SECTION V - Certification	Medae infor	mation, and b	elief, all stater	ments in this r	eport are true	and correct.	7								
	Date	ped or Printe	d Name of Pe	rson Signing		V	Signature	mil	th (	IN S	B		Telephone (609)	No. 681-218	96 90/000 (20	OITAOOYE
VICE I LOIGNING A ANTANA	Title of Person Signing Vice President, Hun	nan Res	ources		WILLFULL OF ANY S	Y FALSE ST/ TATION LICE	ATEMENTS N NSE OR CO	AADE ON TH NSTRUCTIO	IS FORM ARE N PERMIT (47	FUNISHAB	A)(1) AND/O	R FORFEITUF	RE (47 U.S.C	503).	אסיקאיל (וס	FCC 395



RCN Telecom Svc, Lehigh LLC 2124 Ave C. Bethlehem, PA 18017

RE: FCC Form 395 Section IV 2019 Filing Year

Charge:

EEOC Charge – Title VII of Civil Rights Act – Age Discrimination

Charge #:

530-2017-03306

Lawsuit:

Court of Common Pleas Of Northampton County, PA - Civil Division

No #:

C-0048-CV-2017

**Employee:** 

Filing Date:

November 8, 2017

# Background:

Employee was employed by RCN as a Director of Installation and was a tenured employee. The company Discovered during financial audits of the T&E statements that employee has falsely submitted expenses For participation in PA 1 Call events in which the PA 1 Call had picked up travel and rooming expenses for The events, however the employee submitted false expense reports on a number of occasions to obtain r Reimbursement for expenses that they did not incur. As a result of the investigation and admission by The employee that they had submitted the expenses management made the decision to separate employee.

## Status:

The Terminated employee filed charges with the EEOC and then obtained an attorney and they requested that the EEOC close the charge and issue a right to sue letter. Company received notification of that on 11/18/17. Ex - employee's attorney then reached out to the company to discuss the possibility of reemployment or payment for separation. The company did not which to re-instate the employee due to the nature of the separation , and were not interested in making payment to ex- employee for what it deemed a separation of employment due to violation of company business ethics and rules. The attorney filed a lawsuit in the Court of Common Pleas of Northampton County, PA — Civil Division. The company has obtained outside counsel and Preliminary Objections were filed, however at this time the case is on hold in the courts as the ex-employees attorney has been suspended for 5 years from practicing law in

the state of PA so the ex-employee we believe will be notified of the attorney's suspension so they can obtain a new attorney to continue with the action is they wish to . So at this time the case is still pending with the courts.



RCN Telecom Svc, Lehigh LLC 2124 Ave C. Bethlehem, PA 18017

RE: FCC Form 395 Section IV 2019 Filing Year

Charge:

EEOC Charge of Discrimination - The Americans with Disability Act

Charge #:

530-2018-04818

**Employee:** 

Filing Date:

July, 18 2018

# Background:

Employee was employed by RCN as a Direct Sales Representative from May 31, 2016 till June 7, 2018 when his employment was separated due to poor performance after performance write up s for not achieving his required Sales quota and performance metrics. The ex- employee in his charge with the EEOC stated that he had previously worked for RCN for two years previously and left employment and was rehired which was accurate. The ex-employee stated that he disclosed his disability of being overweight and was seeking accommodation to continue to work in his position even though he was unable to achieve is sales goals until he obtain gastric by-pass surgery which is not covered by the companies medical insurance plan and was denied coverage. The ex-employee at the time reached out to the company to appeal the medical coverage decision which was to be denied and company did not overturn denial of coverage. At the time employee continue to receive performance write ups for not achieving the necessary performance requirements in obtaining his required sales numbers and was eventually was separated in June 2018 for poor performance. The exemployee upon termination then filed charges with the EEOC due to his belief he was discriminated against under the ADA

### Status:

The EEOC began an investigation and the company provided it position statement to the charge of discrimination under the ADA and submitted the statement in November 2018 for their review and consideration. On May 6, 2019 the company was notified that the EEOC dismissed the charge and provided a Dismissal and Notice of Rights stating that based upon investigation the EEOC was unable to conclude that the information obtained establishes a violation of the statutes. They also stated that their dismissal does not certify that the respondent is in compliance with the statutes. No finding is made as to

any other issues that might be construed as having the ex-employee with their notice of suit rights. A	g been raised by this charge. Additional that provided this time the company is not aware of a suit.